

B. **Escalation.** Where the circumstances permit, it is an officer's responsibility to first exhaust every reasonable means of employing the minimum amount of force, including the police officer's physical presence and verbal skills, before escalating to a more severe application of force. Under normal circumstances, only the methods or instrumentalities listed below may be used to apply force. These methods are listed in ascending order from the least severe to the most extreme:

- **Officer presence:** uniform, badge, patrol car, physical bearing;
- **Verbal direction:** verbal communication, voice commands, negotiation skills;
- **Passive guidance/control:** hands-on escorting, picking up body weight, pushing pulling gently;
- **Oleoresin-Capsicum spray,** including the JPX-450;
- **Empty hand control / Soft Hands Techniques:** soft (fingertip pressure applied to pressure points) or hard (striking non-lethal areas with hands/feet);
- **Intermediate weapons:** soft (wrist locks using impact weapon) or hard (striking non-lethal areas with impact weapon), expandable ASP Baton, Riot Baton, 12 gauge and 37mm and hand deployed specialty impact munitions;
- **Approved Firearms** and ammunition

C. **Defensive Tactics Annual Qualification.** Each commissioned officer must qualify annually in the department-approved defensive tactics program. Failure to demonstrate qualification standards in practical examinations will result in scheduling of remedial training with a defensive tactics instructor, after which a retest will be given. Failure to respond to remedial training may result in disciplinary action.

D. **Patrol Rifles (M-4 Carbines).** The Texarkana Police Department authorizes the field deployment of patrol rifles. Patrol rifles must be zeroed to an individual, officers may only carry the weapon with which they have qualified, and the weapon may not be deployed by another unless exigent circumstances exist.

1. When not being carried on duty, department-issued patrol rifles will be secured and stored in the following manner; Patrol rifles will be stored with the (1) selector set to safe (2) bolt forward on an empty chamber (3) magazine removed (4) dust cover closed.

2. Officers transporting authorized patrol rifles to and from work will store the weapon in a protective case in the trunk or the most secure area on their vehicle, otherwise patrol rifles should be stored in the assigned officer's residence while not on duty.

E. **Training (ALEAP 3.01, 3.02, 3.04, 3.06)** It is imperative that a police officer act within the boundaries of law, professional ethics, good judgment, and accepted practices. An officer must be prepared by training, leadership, and direction to act wisely when using a firearm in the course of official activity. For these reasons, each commissioned officer must be given a copy of this directive and trained in the department's policy on use of force before being authorized to carry a firearm.

*All officers shall receive training in the use of all department issued firearms and all non-lethal weapons authorized by the department, hands-on arrest and defensive tactics as well as training on the comprehensive "Use of Force" policy prior to performing any law enforcement duties.*

All officers shall be trained and qualified with their firearms at least annually.

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6.

evaluate the circumstances and the need for a professional medical evaluation before the person arrested is transported to jail. <sup>ALEAP 6.07</sup>

**1102.03.04 Deadly Force**

A. **Authorization.** (ALEAP 6.01, 6.02) Police officers may only use deadly force when they reasonably believe it is necessary to protect themselves or another person from immediate danger of death or serious bodily injury. Deadly force is authorized to effect an arrest or to prevent the escape from custody of an arrested person whom the officer reasonably believes has committed or attempted to commit a felony and is presently armed and dangerous.

B. When during the course of a lawful felony arrest or protection of a third party against the use of deadly force, and the officers use of deadly force is necessary and justifiable, there are no limitations to the degree of force which may be used or the method in which the force is applied.

1. Justification for use of deadly force is limited to the facts reasonably apparent to the officer at the time the officer decides to use the force.

2. Police personnel will not place themselves in a position of exposure to immediate threat of death or serious bodily injury when there are reasonable alternative actions. These include:

- a. available back-up officers subject to and consistent with the threat;
- b. suitable cover;
- c. securing the status quo pending additional resources and/or information; and
- d. pre-planning response activity.

3. When police personnel should reasonably perceive that the potential exists that deadly force may be an outcome of any situation, the employee must plan ahead and use reasonable alternatives if time and opportunities permit. "Reasonable alternatives" is defined as an action that may be taken by police personnel that may allow the officer to avoid the use of deadly force. The reasonableness of the action is based on the time available, the opportunity of performing the action, and the facts apparent to the officer before and during the incident. This includes the presence of innocent third persons. Planned and supervised hazardous entry situations are recognized as meeting the requirement of reasonable alternatives.

4. Police Officers are authorized to utilize only the level of physical force that is reasonable to achieve the desired legal objective.

B. **Limitations.** The authority to use deadly force is limited as follows:

1. Deadly force will not be used against animals unless necessary for immediate self-defense or to prevent immediate substantial harm to the officer or another.

2. An officer will not fire warning shots. (ALEAP 6.09)

3. Officers will not discharge a firearm at or from a moving vehicle except when the suspect is using deadly force against the officer or others by means other than the vehicle or when all other reasonable means of defense have failed. Officers will not place themselves in a position in front of an oncoming vehicle where deadly force is a likely outcome.

4. Officers will not discharge a firearm recklessly.

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5. Federal Executive Order prohibits the use of a Vascular Neck Restraints except when law enforcement officers are in life or death situations. Therefore, the use of a vascular neck restraint may only be used when deadly force would be authorized.

C. **Drawing Firearms.** Except for general maintenance, storage, or authorized training, officers will not draw or exhibit a firearm unless circumstances create reasonable cause to believe its use would be permitted under law and department regulations.

D. **Dangerous and Aggressive Animals**

1. In circumstances where officers encounter any animal which reasonably appears, under the circumstances, to pose an imminent threat of bodily injury to officers or others, officers are authorized to use reasonable force to stop the threat. This includes up to and including deadly force. Deadly force is authorized when it complies with G.O. 1102.03 A., Authorization of Deadly Force.

2. In circumstances in which officers have sufficient advanced notice that a potentially aggressive animal may be encountered, (e.g., serving of a search warrant; or when included in the call text while enroute to a call for service) officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g., fire extinguisher, oleoresin capsicum (OC) spray, assistance of animal control). Nothing in this policy shall prohibit any officer from using deadly force to stop an aggressive animal if the contingency plan has failed and deadly force is authorized as prescribed in training and described in G.O. 1102.03 A., Authorization of Deadly Force.

3. In the event force is used against an animal by an officer and the animal is injured or there is a reasonable belief the animal is injured, regardless of whether visible injury exists, officers shall make a reasonable attempt to ensure the animal receives care for its injuries. This may include but is not limited to:

- contacting the owner to arrange private treatment in an appropriate time frame;
- contacting Animal Services for collection and treatment;

4. Whenever an officer involved shooting takes place, a crime scene shall be established to manage the collection of the evidence. Generally, the preservation of an animal shooting crime scene shall not supersede the welfare of an injured animal. When reasonable under the totality of the circumstances, the owner or caretaker of the animal or Animal Services should have sufficient access to the crime scene to either treat or transport the animal.

E. **Medical Aid. (ALEAP 6.07)** After any use of deadly force, the person using the force shall summon emergency medical aid for transport to a local hospital, if necessary. Employees should be aware that injuries may not be readily apparent and that inquiry into the person's physical status and observation are advisable.

F. **Immediate Report to Supervisor.** An officer will immediately report the use of deadly force to a supervisor.

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